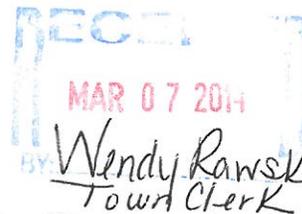


**Town of Eliot
REGULAR PLANNING BOARD MEETING MINUTES**



**July 16, 2013
7:00 PM**

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan – Vice Chairman, Dennis Lentz, Larry Bouchard, Greg Whalen, and Melissa Magdziasz (alternate).

Steve Beckert and the Planning Board welcomed new alternate member, Melissa Magdziasz.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

There were no minutes to review.

ITEM 5 - REVIEW OF "NOTICE OF DECISION" LETTERS, AS NEEDED

The Board reviewed and approved the following notice of decision letters:

- PB13-10: York Woods Tree Service – Site Plan approval;
- PB13-9: Michael Pomeroy – Expansion of non-conforming structure in the Shoreland zone.

ITEM 6 - PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

- A. Public hearing – and continued review of an application for site review to construct a 38-unit elderly housing building on the existing Eliot Commons site located at the intersection of H.L. Dow Highway and Beech Road. Applicant/owner is Sea Dog Realty, LLC (mailing address: 86 Newbury St., Portland, ME 04101). Property can be identified as Map 29/Lot 27 and is located in the Commercial/Industrial and Limited Residential Shoreland zoning districts. (PB12-10)**

Steve Beckert stated that the Board conducted a site walk just prior to tonight's meeting and that no major concerns were identified. He stated that the Board should have received the latest application materials submitted by the applicant including the information from FEMA related to the map amendment, which removed a portion of the property from the floodplain; correspondence regarding the allocation of sewer capacity for the project and correspondence from the Board of Directors of Baran Place. He asked Kate Pelletier if the applicant had been provided a copy of the letter from Baran Place.

Kate Pelletier stated that the applicant had been provided a copy.

Steve Beckert explained that the letter indicates there is concern about the poor road surface and shoulder maintenance of the existing cul-de-sac at the end of Levesque Drive and they have requested that, if approved, Levesque Drive, including the cul-de-sac, be maintained for safe vehicular and wheelchair travel during construction and that roadway surfaces and sight distances be maintained and kept in good repair once construction is complete.

Ken Wood of Attar Engineering represented the applicant. He stated that the applicant would be agreeable to those conditions if approved.

Steve Beckert asked the Board if they had any questions or comments before he opened the public hearing.

The Board had no questions or comments.

Public hearing opened.

No comments.

Public hearing closed.

Jeff Duncan asked the applicant if the access road was privately owned.

Ken Wood stated that Sea Dog Realty owns and maintains the road.

Melissa Magdziasz asked if this property was located in the TIF district.

Kate Pelletier stated that it was.

Melissa Magdziasz asked how that affects or impacts the business of the Eliot Commons.

Ken Wood stated that they would still have to apply for the TIF and report on it annually. He stated that the new development would just become part of what they already do.

Jeff Duncan stated that the issues raised by Baran Place in their letter are certainly legitimate concerns, however, it appears the quitclaim deeds provided in the application satisfy those concerns via easements.

Steve Beckert stated that the deeds certainly give the residents of Baran Place the right to use the road but are essentially silent on keeping it passable and maintained.

Larry Bouchard asked the applicant if the road would be maintained and passable.

Ken Wood stated that the applicants were willing to make any needed repairs to keep the road passable and will be installing sidewalks throughout the Commons with a portion of the QAP funds.

Larry Bouchard asked if the vegetated buffer between the buildings would be disturbed.

Ken Wood stated that the existing buffer would be maintained as-is.

Steve Beckert asked the applicant if he had any issues or objections with the two conditions of approval proposed in the letter from Baran Place.

Ken Wood stated that they were agreeable to the proposed conditions.

Steve Beckert asked the Board if they had any additional comments or questions for the applicant.

The Board had no additional comments or questions.

MOTION:

Jeff Duncan made the motion to approve the application, as presented, subject to the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, materials submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Copies of approved permits from the Maine DEP and the US Army Corps of Engineers (if applicable) shall be provided to the CEO before construction on this project may begin.
5. During construction, Levesque Drive and the cul-de-sac will be maintained for safe travel both vehicular and wheelchairs without any obstructions, either road surfaces or site distances.
6. Upon completion of the proposed project, roadway surfaces and sight distances shall be maintained and kept in good repair.

Dennis Lentz seconded the motion.

Discussion:

Greg Whalen asked Kate Pelletier if the ordinance requires as-built plans to be submitted once construction on a project is complete.

Kate Pelletier stated that the ordinance does not require as-builts.

Ken Wood stated that the Maine State Housing Authority requires them and that he would be happy to provide the Town with a copy.

Vote: 4-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

ITEM 7 - ACTION ITEM LIST

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for August 6, 2013 at 7:00 PM.

Jeff Duncan and Melissa Magdziasz noted they would both be absent from the next meeting.

ITEM 10 – ADJOURN

MOTION:

Jeff Duncan made the motion to adjourn at 8:20 PM.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.



Stephen Beckert, Chairman
Date approved: 8-4-14

Respectfully submitted,



Kate Pelletier, Recording Secretary